

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On August 6, 1934, the National Grocery Co., Bellingham, Wash., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant upon payment of costs and the deposit of cash collateral in the sum of \$150, conditioned that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22944. Adulteration of canned prunes. U. S. v. 131 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33028. Sample nos. 69235-A, 68783-A, 71086-A.)**

This case involved a shipment of canned prunes that were found to be in part moldy and dirty.

On June 29, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 131 cases of canned prunes at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about April 10, 1934, by the Stayton Canning Co., from Stayton, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On August 3, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22945. Adulteration of dried peaches. U. S. v. 198 Boxes of Dried Peaches. Product ordered released under bond to be relabeled. (F. & D. no. 32054. Sample no. 62138-A.)**

This case involved a shipment of dried peaches that contained excessive moisture.

On March 1, 1934, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 198 boxes of dried peaches at Petersburg, Va., alleging that the article had been shipped in interstate commerce, on or about January 4, 1934, by Guggenlime & Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Box) "Buena Fruta Brand California Standard Muir Peaches \* \* \* Guggenlime & Company California."

The article was alleged to be adulterated in that a product containing excessive water had been substituted for dried standard peaches, which the article purported to be.

On April 9, 1934, Harwell Bros. & Gibbs, Inc., Petersburg, Va., having appeared as claimant for the property, judgment was entered ordering that the product be released upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled in a manner conforming to the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22946. Misbranding of olive oil. U. S. v. 40 Tins and 33 Cans of Olive Oil. Default decrees of condemnation. Product ordered destroyed or distributed to charitable institutions. (F. & D. nos. 33064, 33080. Sample nos. 73552-A, 876-B.)**

Sample cans of olive oil taken from the shipments involved in these cases were found to contain less than the volume declared on the label.

On July 10 and July 14, 1934, the United States attorneys for the District of Oregon and the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libel praying seizure and condemnation of 40 tins of olive oil at Portland, Oreg., and 33 cans at Seattle, Wash., alleging that the article had been shipped in interstate commerce by Monteverdi, Rollandelli & Parodi, Inc., from San Francisco, Calif., in part on or about February 13, 1934, into the State of Washington and in part on or about April 29, 1934, into the State of Oregon, and charging misbranding

in violation of the Food and Drugs Act as amended. The article was labeled in part: "Half Gallon Net Measure" or "One gallon net measurement."

The article was alleged to be misbranded in that the statements, "Half Gallon Net Measure" and "One gallon net measurement", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On August 22 and September 22, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and the product was ordered destroyed or distributed to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22947. Misbranding of canned mixed vegetables. U. S. v. 13½ Cases of Canned Mixed Vegetables. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33065. Sample no. 62875-A.)**

This case involved a shipment of canned mixed vegetables, the labels of which contained a pictorial representation showing a large variety of vegetables. Examination showed that the product consisted principally of potatoes, carrots, and turnips, the other varieties pictured on the label being present in small amounts or entirely absent. The product was also short weight.

On July 13, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13½ cases of canned mixed vegetables at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about April 13, 1934, by the Torsch-Stevenson Corporation, from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "IGA Brand Mixed Vegetables Contents 1 Lb. 4 Oz. \* \* \* Packed for Independent Grocers Alliance Distributing Co. Chicago, Illinois"; together with a vignette, bearing prominent pictorial representations of corn, celery, cabbage, potatoes, beets, turnips, tomatoes, carrots, an onion, green beans, and peas.

The article was alleged to be misbranded in that it was short weight and was essentially a mixture of potatoes, carrots, and turnips, with smaller quantities of cabbage, corn, tomatoes, celery, green beans, a small amount of peas, and a trace of lima beans and onions.

On August 27, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22948. Misbranding of graham crackers. U. S. v. 15 Cases of Graham Crackers. Default decree of condemnation and forfeiture. Product delivered to a charitable organization. (F. & D. no. 33071. Sample no. 102-B.)**

Sample packages of graham crackers taken from the shipment involved in this case were found to contain less than 1 pound, the weight declared on the label. The label on the product also contained unwarranted health and therapeutic claims.

On July 23, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of graham crackers at Denver, Colo., consigned by the Davidson Biscuit Co., Mount Vernon, Ill., alleging that the article had been shipped in interstate commerce on or about July 3, 1934, from Mount Vernon, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "All Crisp Graham Crackers Sunalized Healthful Delicious Economical. Made with Milk and Honey. Tested and Approved. Contains Certified Vitamin D. All Crisp Graham Crackers Are Sunalized Containing Just the Right Proportion of Vitamin D in the formula \* \* \* Healthful and Nourishing. Net Weight 1 Lb. Illinois Distributing Co., Mt. Vernon, Illinois."

The article was alleged to be misbranded in that the statement on the label, "Net weight 1 lb.", was false and misleading and tended to deceive and mislead the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, "Sunalized", "Containing just the right proportion of Vitamin D